

BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION
BOARD OF DIRECTORS MEETING MINUTES

August 10, 2012 - 10:00 AM

Edward A. Rath County Office Building, Room 1004

Call to Order by Chairwoman Maria Whyte.

ATTENDANCE:

Board Members: Chairwoman Maria Whyte, Timothy Ball, David Comerford, James Comerford, Jr., Joseph Hogenkamp, Brendan Mehaffy, Janet Penska, Michael Siragusa, Frank E. Krakowski.

Excused: Joseph L. Maciejewski, Christina Orsi.

GUESTS:

There were many guests in attendance: Joseph Kelemen, WNY Law Center; Jennifer Sepulveda, COB/OSP; Julie O'Neill, BSA; Alan Oberst, Artvoice; Michael Clarke, Land Bank Working Group. Martin Polowy, EC Law Department; Jason Knight, EC DEP; Christopher Szczygiel, EC Intern for R. Tobe.

HAND OUTS:

Agenda, Minutes of July 20, 2012 Board Meeting, Erie County Funding Request Letter, Rules and Regulations and Annexed Documents, Land Bank Parking Lot Issues.

NEW BUSINESS:

1. Approval of Minutes: The minutes of the July 20, 2012 Buffalo Erie Niagara Land Improvement Corporation (BENLIC) were presented and reviewed. Motion to approve by Michael Siragusa, seconded by Maria Whyte and unanimously carried as approved.

2. Group Discussion of the Rules and Procedures and Annexed Documents:

- Presented by the Working Group, regarding Acquisition and Distribution of Property items on pages 8 thru 12 of the Rules and Procedures. Brendan Mehaffy explained to members that the Rules and Procedures should be consistent with the Intermunicipal Agreements. The Board should not be adopting any rules or regulations that would supersede the Intermunicipal Agreements. Maria Whyte reviewed with the members the provisions of the Maintenance Distribution and Reuse Plan (M.D.R), to be submitted by the municipalities in order for BENLIC to act on Acquisition Requests. Discussion on rules regarding submissions by the FGU as it relates to the acquisition by BENLIC and its liability. Rules and Procedures to be revised to add a section that all BENLIC meetings will comply with the Open Meeting Law and FOIL Guide lines.

- Rules and Procedures Policy: A motion made by Maria Whyte to amend the Rules and Procedures as follows:

- a) Page 9, Section 3. Consent of Cities - Beginning at the top of the page, strike the language that is in parentheses and accept the language that is in red font to add the following:

The Corporation shall at least thirty (30) days prior to the commencement of any tax lien foreclosure action, provide the municipalities a list of the liens to be foreclosed by the Corporation. Recognizing that the Cities of Buffalo, Lackawanna and Tonawanda, as well as the County, possess their own tax liens on real property within their respective territories, the Corporation will not foreclose on County tax liens or more generally exercise the powers granted by the Land Bank Act for acquisition of property at tax foreclosure sale within a City over the written objection of the Mayor of such City. The Corporation will not commence any tax lien foreclosure action without the City's prior written commitment to indemnify the

Corporation for any costs/liabilities associated with said action should the Mayor of any City object any time after the commencement of the foreclosure proceeding.

- b) Pages 10 -12, Section ii. Identification of Properties by Municipalities - Replace the word “*should*” with the word “*shall*” in all subsections.
 - a. Page 12 - Change the Roman numeral “ii” to “iii” and “iv”.

Motion to amend by Brendan Mehaffy, seconded by Mr. Comerford and unanimously carried as approved.

- Freedom of Information Law (FOIL) Policy: Maria Whyte recommended adding Jason Knight as Records Access Office. Motion to amend by Michael Siragusa, seconded by Mr. Comerford and unanimously carried as approved.
 - Open Meetings Policy: Motion to amend Section 1. Purpose and Scope to include part A. Meetings of the Corporation will be conducted in compliance with New York Open Meetings Law. To change current letter A to B and Letter B to C. Motion to amend by Michael Siragusa, seconded by Janet Penska and unanimously carried as approved.
3. Approval of the Erie County Funding Request Letter. Motion to amend the letter with additional wording at end of second paragraph. After “*throughout the regions*” add the wording, “*and its associated costs*”. Motion to amend by Janet Penska and seconded by Mr. Comerford. Motion to approve as amended by Michael Siragusa, seconded by Joseph Hogenkamp and unanimously carried approved.

Next Meetings: Land Bank Working Group is Wednesday, August 8, 2012 at 1:00 p.m.
Board of Directors is Friday, October 19, 2012 at 9:00 a.m.
Board of Directors is Friday, November 16, 2012 at 9:00 a.m.
Location: Rath County Office Building, Room 1004

Recorded by: Frank Krakowski
Submitted for Approval: Frank Krakowski, Secretary